IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 18908 of 2004

Between:

1 B.V.S.S.S. Prakasha Rao S/o Paridesinaidu, aged 44 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
2 P. Khader Mastan S/o Parasuram, aged 40 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
3 A. Remesh Kumar S/o Venkatarao, aged 39 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
4 B.B. Seethapathi Rao S/o Venkanna, aged 41 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
5 G. Subrahamaya Raju S/o Satyanarayana, aged 39 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
6 P. Prasada Rao S/o Baburao, aged 40 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
7 K. Srinivas S/o Raghunatharao, aged 42 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
8 M.S. Rama Mohan S/o Krishna Murthy, aged 39 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
9 S. Prasanna Kumar S/o Bakthavijayam, aged 42 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
10 Ch. Varada Raju S/o Ganapathi rao, aged 44 years,

working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

11 N. Ayyanna S/o Appalaswamy , aged 36 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

12 M. Bhaskara rao S/o Ramarao, aged 39 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

13 Ch. V. Narasinga Rao S/o Suryanarayana, aged 42 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

14 P.V. B. Achari S/o Lakshmachari, aged 45 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

15 K. Appala naidu S/o Appalanaidu , aged 37 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

16 P. Parasuram S/o Appalswamy, aged 36 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

17 G. Janakiram S/o Sanyasi, aged 41 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

18 B. Suryanarayana S/o Laxmana Rao, aged 40 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

19 K. Yeriki Naidu S/o Kondaiah, aged 42 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

20 Md. Mustafa S/o Yakoob, aged 40 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

21 J. Raj kumar S/o Samoul, aged 42 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

22 P.N. Apparao S/o Satyam, aged 50 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

23 D.S.N. Swamy S/o Satyamurthy, aged 41 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

24 N. Sugunakara Reddy S/o Chinna Reddy, aged 47 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

25 K. Ananda Rao S/o Sadurao, aged 40 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
26 Ch. Nookaiah S/o Appanna, aged 38 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam
27 G.N.M. Raju S/o Anandaraju, aged 36 years,
working under the control of Executive Engineer, A.P. Housing Board,

Isukathota, Viskahapatnam

..... PETITIONERS

AND

1 The Centaral Provident Fund Commissioner, Central Provident Fund

Officer, Bhavishyanidhi Bhavan,14 Bhikajikama Place,

HUDCO Vishala New Delhi-110 066
2 The Regional Provident Fund Commissioner Regional Office,

Barkatpura, Hyderabad
3 The Regional Provident Fund Commissioner Sub-Regional Office,

Marripalem, Visakhapatnam
4 The Vice-Chairman and Managing Director, A.P. Housing Board,

Opp Gandhi Bhavan, Hyderabad
5 The Executive Engineer, A.P. Housing Board, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents herein to frame employees Provident fund scheme under Section-5 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 by declaring the inaction as illegal arbitrary and violative of provisions contained therein and further contrary to rights guaranteed under Article 14 and 21 of the constitution of India.

Counsel for the Petitioners: MR.V.MALLIK

Counsel for the Respondent Nos.1 to 3: MR.R.N.REDDY

Counsel for the Respondent Nos.4 and 5: MR.J.PRABHAKAR (SC FOR APHB)

The Court made the following:

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ORDER:

The petitioners are contending that they are working as N.M.R. Work Inspectors under the control of the Executive Engineer, A.P. Housing Board, Visakhapatnam. They further contend that they submitted a representation to the respondents 1 and 2 to extend the Employees Provident Fund Scheme (for short 'E.P.F. Scheme') to all of them, on 15.05.2000 and 17.06.2000. The grievance of the petitioners is that the respondents did not pass any orders on the representations given by them for extending the E.P.F. Scheme to all of them. Therefore, they approached this Court, through this writ petition, seeking a direction to the respondents 1 and 2 to frame E.P.F. Scheme under Section 5 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 in respect of all the petitioners.

2. In the light of the submissions made by the petitioners, the respondents 1 and 2 are directed to consider the representations of the petitioners, regarding their request for extension of the E.P.F. Scheme to all of them, and pass appropriate orders, within a period of 2 (two) months from the date of receipt of a copy of this order.

3. The Writ Petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Central Provident Fund Commissioner,

Central Provident Fund Office,

Bhavishyanidhi Bhavan, 14, Bhikajikama Place,

HUDCO Vishala, New Delhi-110 066

2. The Regional Provident Fund Commissioner,

Regional Office, Barkatpura, Hyderabad

3. The Regional Provident Fund Commissioner,

Sub-Regional Office, Marripalem, Visakhapatnam

4. The Vice-Chairman and Managing Director,

A.P.Housing Board, Opp: Gandhi Bhavan,

Hyderabad

5. The Executive Engineer,

A.P.Housing Board, Visakhapatnam

6. Two CD copies.